

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

CUSTOMS AND TAX ADMINISTRATION OF
THE KINGDOM OF DENMARK
(SKATTEFORVALTNINGEN) TAX REFUND
SCHEME LITIGATION

MASTER DOCKET

18-MD-2865 (LAK)

This document relates to case nos. 18-CV-09797;
18-CV-09836; 18-CV-09837; 18-CV-09838;
18-CV-09839; 18-CV-09840; 18-CV-09841

DECLARATION OF MARC A. WEINSTEIN

I, Marc A. Weinstein, hereby declare as follows:

1. I am a partner at Hughes Hubbard & Reed LLP, counsel for Plaintiff-Counterclaim-Defendant Skatteforvaltningen (“SKAT”) in this action. I am fully familiar with the matters set forth in this Declaration.
2. I submit this Declaration in support of SKAT’s Motion to Dismiss the Counterclaims of Defendants-Counterclaimants American Investment Group of New York, L.P. Pension Plan, DW Construction, Inc. Retirement Plan, Kamco Investments, Inc. Pension Plan, Kamco LP Profit Sharing Pension Plan, Linden Associates Defined Benefit Plan, Moira Associates LLC 401(k) Plan, and Riverside Associates Defined Benefit Plan.
3. Attached hereto as “Exhibit 1” is a true and correct copy of Defendant-Counterclaimant Riverside Associates Defined Benefit Plan’s Answer and Counterclaims dated July 29, 2019.

4. Attached hereto as “Exhibit 2” is a true and correct copy of Defendant-Counterclaimant American Investment Group of New York, L.P.’s Answer and Counterclaims dated July 29, 2019.

5. Attached hereto as “Exhibit 3” is a true and correct copy of Defendant-Counterclaimant DW Construction, Inc. Retirement Plan’s Answer and Counterclaims dated July 29, 2019.

6. Attached hereto as “Exhibit 4” is a true and correct copy of Defendant-Counterclaimant Kamco Investments, Inc. Pension Plan’s Answer and Counterclaims dated July 29, 2019.

7. Attached hereto as “Exhibit 5” is a true and correct copy of Defendant-Counterclaimant Kamco LP Profit Sharing Plan’s Answer and Counterclaims dated July 29, 2019.

8. Attached hereto as “Exhibit 6” is a true and correct copy of Defendant-Counterclaimant Linden Associates Defined Benefit Plan’s Answer and Counterclaims dated July 29, 2019.

9. Attached hereto as “Exhibit 7” is a true and correct copy of Defendant-Counterclaimant Moira Associates LLC 401(K) Plan’s Answer and Counterclaims dated July 29, 2019.

10. Attached hereto as “Exhibit 8” is a true and correct copy of SKAT’s Complaint against Riverside Associated Defined Benefit Plan and David Schulman dated June 7, 2018 and originally filed in the United States District Court for the District of Utah, Case No. 2:18-cv-00460. This case has since been transferred to the multi-district litigation in this Court, Master Docket 18-md-2865, and assigned the individual docket number 18-cv-9840.

11. Attached hereto as “Exhibit 9” are true and correct copies of an English translation of SKAT’s October 28, 2016 “Decision: Refusal of applications for dividend tax reimbursement,” and the original Danish version of the document.

I, Marc A. Weinstein, hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
August 19, 2019

/s/ Marc A. Weinstein
Marc A. Weinstein